

**TOWN OF GILBERT
PLANNING COMMISSION STUDY SESSION
COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE
GILBERT, AZ
SEPTEMBER 2, 2020**

COMMISSION PRESENT:

Brian Andersen, Chair
Carl Bloomfield, Vice Chair
David Cavenue
Noah Mundt
Jän Simon
Philip Alibrandi, Alternate

COMMISSION ABSENT:

Nathan Mackin, Alternate

COUNCIL LIAISON PRESENT:

Scott September

STAFF PRESENT:

Eva Cutro, Planning Division Manager
Amy Temes, Principal Planner
Ashlee MacDonald, Principal Planner
Stephanie Bubenheim, Senior Planner
Sydney Bethel, Planner II
Keith Newman, Planner II
Josh Rogers, Planner II
Nancy Davidson, Assistant Town Attorney
Tom Condit, Development Engineering Manager

RECORDER:

Dana Desing

Options were available for members of the public to participate in or attend the meeting remotely as listed in the meeting agenda.

CALL TO ORDER

Chair Brian Andersen called the Study Session to order at 5:02 p.m.

Principal Planner Amy Temes advised that Amanda Elliott had requested Item 1. Heritage District Design Guidelines be pushed to October 7, 2020. The first item on the agenda is Item 5A regarding the LDC Refresh, although there is a citizen who wished to address the Commission on this item.

5A. Z20-05 LDC REFRESH: Citizen Review and initiation of amendments to the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Division 1: General Provisions, Division 2: Land Use Designations, Division 3: Overlay Zoning Districts, Division 4: General Regulations, Division 5: Administration, and Division 6: Use Definitions; Chapter II Design Standards and Guidelines; Chapter III: Subdivision Regulations, Glossary of General Terms, Appendix 1: Graphics and the Town of Gilbert Zoning Map. The intent is to modernize the Land Development Code, focusing on obsolete regulations, the clarification of unclear requirements, resolve discrepancies, the simplification of the language and layout, removal of redundant text, the replacement of text with tables and graphics and new graphics and format. In addition, amendments will codify the product of a comprehensive review to clarify terms and add cross references where needed.

Principal Planner Amy Temes advised that there are two components of the agenda item on the Land Development Code Refresh, Items 5A and 5B. At the August 25, 2020, Planning Commission Study

Session, we did recognize the Town Council's initiation of the Text Amendment to the LDC refresh. When the meeting was opened to citizen review and comment, there was one person who wished to speak but was unable to. Ms. Temes asked that the Planning Commission reaffirm the initiation of the Text Amendment to the Land Development Code, initiate a Citizen Review, and open the floor for public comment. Item 5B will be presented later in the agenda.

Chair Andersen initiated the Text Amendment to the Land Development Code and opened the matter for public comment.

PUBLIC COMMENT

Doralise Machado Liddell, Gilbert resident, stated it is extremely difficult to comment on a document that has not been released to the public. She had requested portions of the document that may affect her property rights and was advised that the town attorney has the document under review and that the information cannot be released. A Citizen Review process should begin with the document when it is ready for review. This is a best practice for government transparency. The town does not have a current process to meet the LDC and state requirement that a property owner can register with the director to receive notice of zoning changes or standards if so requested. She asked if this was an LDC refresh or an LDC modification? Is the property being changing by right? With regard to Administrative Use Permits, matters within 300 feet are notified but a hearing is not required. On February 17, 2016, during a subcommittee meeting on combining the Planning Commission and Design Review Board, she had expressed concern over whether residents would have the opportunity to express concerns over projects approved using an Administrative Use Permit. Councilmember Victor Petersen said that if someone had concerns about the project, then it would go to a hearing. That is not the case. Our Planning Commission and Redevelopment Commission study sessions must be held as public meetings. The Redevelopment Commission should not be allowed to conduct a study session via direct communication with the planner and the developer. Although the Commissioners did not violate the open meeting law, it does not allow an open public meeting. Her concern is that the town will change the LDC without public input, therefore giving the planning department more authority and removing the decision-making process from the Planning Commission and Town Council. She was told that the LDC Refresh would not be regarding zoning changes. She asked if that was correct? Is the town changing the LDC and potentially taking away private property rights or public hearing rights? She was concerned with how the changes will affect the State of Arizona statute regarding public hearings that are required by law.

Chair Andersen asked which staff member Ms. Machado Liddell could contact to address her concerns.

Eva Cutro stated the resident can contact her or Amy Temes in the Planning Department and that they have both spoken with her previously.

Ms. Cutro opened the phone lines for additional public comment on this item. There were no further public comments.

- 1. Z19-01 HERITAGE DISTRICT DESIGN GUIDELINES: Amendment to the Town of Gilbert Land Development Code, amending Chapter I Zoning Regulations, Division 2 Land Use Designations, Article 2.4 Heritage Village Center Zoning District, Division, 3 Overlay Zoning District, Article 3.4 Heritage District Overlay Zoning District, and Division 6 Use Definitions; Chapter II, Design Standards and Design Guidelines, Article 1.8 Heritage District Design Guidelines; and the Glossary of Terms related to development standards within the Heritage Village Center Zoning District. The effect of these**

amendments will be to revise the development standards, update the Glossary of Terms, and create new guidelines and application procedures.

Eva Cutro advised that this item is to be continued to October 7, 2020.

2. ST20-10 FLORA BY TOLL BROTHERS AT MORRISON RANCH: Four (4) new Standard Plans by Toll Brothers for 67 Lots 429-451 and 524-567) on approximately 33.9 acres generally located at the northwest corner of Recker Road and Bloomfield Parkway and zoned Single Family - 10 (SF-10) zoning district with a Planned Area Development (PAD) overlay.

Senior Planner Stephanie Bubenheim presented ST20-10 Flora by Toll Brothers at Morrison Ranch standard plans. The site is located within Morrison Ranch as part of the Lakeview Trails Southeast subdivision. There are two portions of the subdivision that the standard plans will be going on located at the northwest corner of Recker Road and Bloomfield Parkway. The four standard plans include Ambrosia, Ariane, Edmonds, and Haralson. The plans range from just under 3,000 SF to just under 5,000 SF. There are three one-story products and one two-story product with a total of 67 lots. The standard lot size is 85' x 130'. There will be three elevation styles for the four standard plans, including a Ranch style with three associated color schemes, a Farmhouse and a Cottage style, each with five color schemes. Staff is requesting general input from the Commission on the front elevations, the use of materials, porch railings for the Ranch style, the tower elements, the transition of the brick to board and batten on the Farmhouse elevations, and whether they have captured the Cottage-style architecture. This subdivision is broken up by a couple different home builders with different size houses.

The elevation matrix shows the four standard plans and elevations for each. Staff asked if the Ranch would offer an option for a ranch-style railing to tie into the style. All of the porches are oversized at about 7 to 8' in depth and provide ample area for a full porch. In the Farmhouse elevations, the tower elements have a transition of material from the brick at the bottom to the board and batten. Staff felt it seemed a little off-putting and boxy. The Cottage style uses a heavy amount of stone and staff felt there may be other elements that could be incorporated to make it look more like a Cottage style. She asked if the Commission felt it looked more like a contemporary style? For the rear elevations, staff's only concern was that the two-story units look very similar and suggested trying to differentiate those with elements from the front elevations. The side elevations have incorporated a lot of the stone and brick materials as well as shutters. The renderings and streetscapes were reviewed.

COMMISSION QUESTIONS/COMMENTS

Commissioner Simon was excited about the product and was glad they were going with the larger lot size to fit the houses. He would like to see the ability for railings on the Ranch style to really make that pop and give it a true Ranch feel. Regarding the Cottage elevation, he felt contemporary would better describe it. The only one he did not truly care for was the Edmonds Cottage as it seemed very flat with regards to the coloring. On the transition from brick to board and batten in the Farmhouse Edmonds, he felt the stone needed to stop under the widow.

Commissioner Cavenee felt they captured the Farmhouse style. On the elevation, it almost looks like they have railings although he believed that was the wainscoting below the window. Putting a railing would add a Farmhouse flavor. He felt they captured what they were looking for, particularly in the renderings. The first elevation seemed to meet the intent and he did not see anything that he would change. He felt there was enough articulation and it looks attractive. He was not sure he loved the Cottage look, although he is

not an architect. He thought it could use some reworking but would defer to his architectural peers for guidance.

Chair Andersen liked the design with so many variations in materials and colors. He did not believe any of it would be replicated on this development. Overall, he thought the designs were nicely done. He asked if there was enough input on the tower elements and transition of brick to board and batten.

Ms. Bubenheim advised that one Commissioner had commented on the board and batten for the Edmonds elevation. She appreciated the comments. As these are standard plans, they can be approved administratively by staff. They will move forward with addressing the Commission and staff comments before approving the plans in house.

3. UP20-26 SPEEDWAY CONVENIENCE - FUEL DISPENSING: Request to approve a Conditional Use Permit for approx. 3.9 acres located at the southwest corner of Lindsay and Germann Roads, and zoned Neighborhood Commercial (NC) zoning district.

UP20-27 SPEEDWAY CONVENIENCE - 24-HOURS OPERATION: Request to approve a Conditional Use Permit for approx. 3.9 acres located at the southwest corner of Lindsay and Germann Roads, and zoned Neighborhood Commercial (NC) zoning district.

UP20-28 SPEEDWAY CONVENIENCE - LIMITED SERVICE RESTAURANT: Request to approve a Conditional Use Permit for approx. 3.9 acres located at the southwest corner of Lindsay and Germann Roads, and zoned Neighborhood Commercial (NC) zoning district.

DR20-94 SPEEDWAY CONVENIENCE: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 3.9 acres, generally located at the southwest corner of Lindsay and Germann Roads, and zoned Neighborhood Commercial (NC).

Planner Sydney Bethel presented the Speedway Convenience Design Review combined with three Conditional Use Permits on the same project. The site is located at the southwest corner of Lindsay and Germann Roads and is approximately 3.92 acres. The site was originally part of the master site plan for Lindsay Groves Professional Plaza which encompassed the site and the office development to the south, which was constructed around 2008 although the commercial component never came to fruition. The Design Review for Speedway Convenience Store includes two buildings, one new 4,608 SF gas station, and a future 3,000 SF fast-food restaurant. Conditional Use Permits (CUP) are being requested to allow fuel dispensing, 24-hour continuous operations for the gas station, and limited-service restaurant in the Neighborhood Commercial (NC) zoning. Hours of operation in NC are limited to 6 am to 11 pm. Staff is requesting input on the general site design, elevations, and the requested Conditional Use Permits.

The applicant is proposing to develop the site in two phases. The first phase is the 4,600 SF convenience store, fueling canopies, as well as the major site improvements including the perimeter and street frontage landscaping, access drives, internal drive aisles, and parking for the gas station. Phase 2 will be the future quick-service restaurant which the applicant indicated may be something such as a Burger King with a drive-through. The improvements associated with that pad include adjacent parking and

landscaping. There are two points of access proposed off of Germann Road to the north and Lindsay Road to the west, which is currently existing and is utilized by the existing office development to the south. That will continue as a shared access with that development to the south. Pedestrian connections are proposed to the north leading to the Germann right-of-way and to the west at the Lindsay right-of-way. The proposed landscaping covers a total of 34.9% of the net area, which exceeds the requirement of 15% for the site. The majority of the landscaping will be completed with Phase 1 including the perimeter and street frontage landscaping along with foundation and parking lot landscaping for the gas station. The landscape plan reflects a natural desert palette that is similar to existing developments within the area. The primary building material is stucco in a tan color called French Toast. Accent materials include metal in a bronze finish and fiber cement panel in a gray finish called Vintage Ash.

The elevations provided are only for the Phase 1 gas station. The elevations for the quick-service restaurant will be included in Phase 2, which will come in with a separate Administrative Design Review at a later date. The gas station building is proposed at approximately 23'-6" in height. The base of the building includes stucco in the tan color with cement fiber board utilized as a modern arch projecting above the roofline on the east and north elevations. The metal in bronze is primarily used as an accent material on the top of the building as well as screening for the mechanical equipment. Staff has recommended additional cement fiber board to enhance the rear elevation as well as changing the colors and materials on the proposed fuel canopy on the east elevation to better match the buildings.

Since the Staff Report, the applicant has submitted for a second review earlier in the week. The primary changes were to the west elevation where they internalized the external downspouts and the exposed stairwell and provided a column accent pop-out feature. Staff has not yet fully reviewed this second submittal.

COMMISSION QUESTIONS/COMMENTS

Use Permit Comments

Vice Chair Bloomfield noted we generally do not see this many Conditional Use Permits being requested on a site. He wondered if a different zoning category would allow this by right and they just didn't want to go through the rezoning process.

Ms. Bethel advised that this zoning district is Neighborhood Commercial which is our smallest commercial zoning district and is intended for smaller more neighborhood commercial type uses. In other commercial zoning districts, these requested uses are allowed by right. Typically, staff does not support high-volume uses in this type of zoning to protect the residential uses. However, this site is in a more ideal location at an arterial intersection and the adjacent surrounding uses are not primarily residential.

Vice Chair Bloomfield felt rather than rezone, the applicant chose to keep it this way and give the neighbors more comfort that they are adhering to this and if not, they have a recourse.

Ms. Bethel stated there is a process for the revocation of a Use Permit if issues were to arise. That is not seen very often but it is an option if they were to come out of compliance with the four Findings of Fact that are required for Use Permits.

Vice Chair Bloomfield did not see a problem with it and appreciated the explanation.

Commissioner Cavenee felt if there was a Neighborhood Commercial site that was compatible with this use, this would be it without any real impact to any residential nearby. Even the church property across the

street is buffered heavily by landscaping and there is commercial to the south. He felt a 24-hour operation should be fine here and he did not see that it would impact anyone negatively.

Chair Andersen confirmed that the Commission was in support of all three Use Permits for the fuel dispensing, 24-hour operation, and limited service restaurant.

Design Review Comments

Commissioner Cavenue stated his first impression looking at the elevations was the same as staff with regard to the canopy being unrelated to the building, materials, colors, and finishes. For a fuel station, where it is located is probably fine. He was a little troubled by the rear elevation as it is so plain, although we have the canal and there is not any residential that would see it. He had a hard time justifying being hard on the rear or east elevation being just a plain wall with downspouts. He was glad staff had them add a little accent on the front. He was a little worried how the fiber cement panel in gray would relate to the French Toast tan color. If there were anything else that could be done to improve the articulation on the building, that would be great, although he understood it is a fuel station so he hesitated to be hard on them.

Chair Andersen agreed with those comments and supported the staff suggestions on the design.

Commissioner Mundt asked if staff felt the second submittal fully qualified their questions related to the fueling canopy. It did not appear that there were any alterations.

Ms. Bethel stated they did not change the canopy as far as she could see, although Staff has not had the opportunity to fully delve into the second submittal. In staff's second review, she will continue to make that comment to see some relation to the building and see what the applicant can provide.

4. GP20-02 POWER COMMERCE CENTER GP: Request for Minor General Plan Amendment to change the land use classification of approx. 9.6 acres generally located north of the northwest corner of Power and Elliot Roads, from Business Park (BP) to Light Industrial (LI). The effect of this amendment will be to change the plan of development to allow for a small industrial park.

Z20-06 POWER COMMERCE CENTER: Request to amend Ordinance No. 2623 to rezone approx. 9.6 acres within the Morrison Ranch Business Center Planned Area Development overlay zoning district (PAD) and generally located north of the northwest corner of Power and Elliot Roads from approx. 174.1 acres of Business Park (BP), 84 acres of Light Industrial (LI), and 118.2 acres of General Commercial (GC), all with a PAD to approx. 164.5 acres of Business Park (BP), 93.6 acres of Light Industrial (LI), and 118.2 acres of General Commercial (GC), all with a PAD as shown on the exhibit (map) available for viewing in the Planning and Services Division, all subject to the conditions of development set forth in the prior ordinances.

DR20-97 POWER COMMERCE CENTER: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 14.7 acres, generally located north of the northwest corner of Power and Elliot Roads, and zoned Business Park (BP) and Light Industrial (LI) with a planned area development (PAD).

Planner Josh Rogers presented Power Commerce Center Minor General Plan Amendment and zoning

change with a corresponding Design Review on approximately 14 acres located northwest of Power and Elliot Roads. The Minor General Plan Amendment and Rezone are to change a 9.6 acre portion of the site from Business Park (BP) to Light Industrial (LI) and to make that continuous across the entire 14 acre piece. The site is located within the existing Morrison Ranch Business Center PAD. The applicant is not requesting to change any of the PAD conditions or other development standards. The western and northern areas of the site are already designated as Light Industrial and the applicant's request is to make the entire site consistent with that zoning designation. The Commerce Center will be built in a single phase with a total of 12 single-story office/warehouse buildings each approximately 12,000 SF. The tenants will also have access to an enclosed and gated service yard at the rear of each building.

The site is accessed via two proposed ingress-egress points off of Power Road with an additional emergency access point connecting to the adjacent Cactus Yards facility to the west. Parking is spread proportionately throughout the site with approximately 15 spaces next to each building and an overflow parking area in the southwest corner of the site. Staff was concerned that this overflow parking area was too far removed to be usable by a majority of the tenants. The applicant was confident that the types of tenants they are designing the development for typically do not have very many employees when compared to the square footage of their space. While there is no distance standard in the town's Development Code, staff's concern is primarily that with such a wide variety of potential users needing a different mix of office to warehouse space, a centralized parking area would offer more flexibility in the long term and ensure that all future potential tenants would have their parking needs met.

The landscaping throughout the site is concentrated primarily along the internal drive aisles, drainage areas, and the right-of-way. As part of the Morrison Ranch Business Center, the right-of-way landscaping is required to reflect the visual standards the Morrison Ranch community is widely known for, such as white fences, pecan trees, and pink oleanders. Although the plans do not currently depict a completely accurate representation of those landscape standards along the right-of-way, staff has provided the necessary information to the applicant to correct those issues. The applicant has no issues with making those corrections. Retention throughout the site consists primarily of above-ground basins adjacent to Power Road and along the western boundaries of the site with additional underground storage provided underneath the overflow parking area in the southwest corner.

The proposed facades of each of the buildings mirror one another and present a modern industrial theme with vertical and horizontal articulation along the facades facing the internal drive aisles. Staff has requested that the applicant use additional textures, colors, materials, or other façade treatments to break up the building massing on all areas visible to outside public view. This mainly refers to the rear elevations just above the perimeter wall with a 130' wide by 16' high massing that lacks articulation. Staff does understand there are limitations because it will primarily be warehousing space. Historically, 60-80 feet has been the maximum before needing additional interest. Staff has requested additional articulation on the eastern elevations of the three buildings directly adjacent to Power Road. These elevations should be reflective of a building front and provide visual interest along the major arterial road, especially within the Morrison Ranch community.

Staff is requesting input on the location of the overflow parking lot, the articulation of the rear of the buildings above the fence line, the articulation of the buildings adjacent to Power Road, and any other comments on the General Plan Amendment, rezoning, or Design Review.

COMMISSION QUESTIONS/COMMENTS

General Plan Amendment

Commissioner Simon felt it made sense to approve the zoning request looking at the lot and where it sits. He did not see a reason not to approve and make the zoning flow through the whole property.

Rezoning Request - No comments

Design Review

Commissioner Alibrandi understood the point about central parking, although looking at the plat he was not sure there was much else they could do. He felt that was really more between the tenant and owner. If they felt it would be an impediment to renting out the area, that is more on them and he would not want to get in the way.

Commissioner Simon asked if the overflow parking was being done in order to meet the requirement for the property, or are they doing it for future tenants?

Mr. Rogers stated the overflow parking is required based on the square footage. He has not figured out the exact amount of parking spaces needed for each building because the parking count is dependent on both the size of the office space and warehouse space. Office requires a parking ratio of 1:250 SF and the Warehouse ratio is 1:1000 SF. He has requested that information in the first review comments. From the applicant's calculations, that is required parking.

Commissioner Simon did not know how to squeeze that in as the back part of that property becomes a little bit awkward. On the rear elevations, he assumed there would not be any ability to add fencing and that it would be open or pass-through.

Mr. Rogers advised that the rear of each building is enclosed by a gated service yard. There is a perimeter fence around the entire property, although each of the rear yards is enclosed by a wall. Staff's request only pertained to the area that would be visible above the fence line to provide additional attention.

Vice Chair Bloomfield can appreciate the concern of staff that it does not make sense to have all this parking separated from the buildings. It is a long way to walk to the easternmost buildings and he felt that parking area would not be seen. He understood that the civil engineer laid it out that way in order to have drainage at the lower end of the site. From a use standpoint, it would make more sense to have the parking closer to the road so that people coming in can see it is there. He felt it would be easy enough to switch places with one of those buildings, although that would reduce the ability to drain with the land and that would impact the cost and grading responsibilities for the project. He felt it was reflective of Commissioner Alibrandi's comment that the owner and developer will know what their uses are. In large part, he saw the opportunity for each of these buildings to be able to park their employees in the back yards and it would be easy enough to have employees park in the overflow area as well. He felt from an operations standpoint it could be managed and the front could be left open for potential customers. That is more of an internal use with the developer and the people who purchase or lease these buildings.

Commissioner Cavenee agreed with staff's concern on the view of the rear elevations over the fences. They have done a decent job on the front elevations to show some vertical variation of the parapet. Knowing we would only see the upper half or so of the rear elevations, he felt they needed to do something similar or add a more pronounced cornice or vertical articulation along the rear to create some variation. That long flat wall does face the school and we don't know what will happen to the south. He also agreed with Vice Chair Bloomfield that the overflow parking would be better if it were distributed through the site as it may end up being a barren parking lot for years to come.

Mr. Rogers requested input on the three building elevations adjacent to Power Road to provide additional articulation of that frontage as it is within Morrison Ranch, one of our most visually appealing communities in the town and because it is so close to the arterial.

Vice Chair Bloomfield lives in Morrison Ranch and is familiar with how it is being developed throughout. He was struck by how plain these buildings are relative to everything else built in Morrison Ranch. It is a different use and is somewhat separated because there is a ballpark behind and the school to the north. The landscaping is desert versus the landscape palette throughout the rest of Morrison Ranch. He felt that was addressed being on the right-of-way it has to be more green. He assumed the rail-type fencing was out there. He understood staff's concern that this is Morrison Ranch and it should be dressed up. He was surprised the Morrison Ranch development team has not made that more of a requirement for a parcel within their project. He agreed that it should be dressed up even though it is on the far edge of town.

Commissioner Cavenee felt that elevation would be greatly improved by trying to accent that entry. It does have some shading, but if they could try to amplify that into more of a tower element or change the finish to give it some focus, that would greatly benefit that street facade and improve the overall look of the building.

Commissioner Mundt echoed the prior comments. Even though this may be on the edge of town, he felt it would be imperative to have that be a strong element to show you are entering what we consider to be specific development criteria. A more elaborate element such as a tower would be preferred.

5B. Z20-05 LDC REFRESH: Citizen Review of amendments to the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Division 1: General Provisions, Division 2: Land Use Designations, Division 3: Overlay Zoning Districts, Division 4: General Regulations, Division 5: Administration, and Division 6: Use Definitions; Chapter II Design Standards and Guidelines; Chapter III: Subdivision Regulations, Glossary of General Terms, Appendix 1: Graphics and the Town of Gilbert Zoning Map. The intent is to modernize the Land Development Code, focusing on obsolete regulations, the clarification of unclear requirements, resolve discrepancies, the simplification of the language and layout, removal of redundant text, the replacement of text with tables and graphics and new graphics and format. In addition, amendments will codify the product of a comprehensive review to clarify terms and add cross references where needed.

Principal Planner Amy Temes advised that Chapter III, Subdivision Regulations, of the Land Development Code (LDC) was the one chapter that the LDC Subcommittee was unable to address prior to their dissolution. Staff would ask that the Planning Commission act in the Subcommittee's absence to review the proposed changes and answer any questions. The proposed Chapter III edits will allow for clarification of current practices, updated terminology, and to cross check against state and county laws. The draft is in a rough raw format and is still being written. There are bits and pieces that are out to the various departments for review. She hoped the document will be done in the near future. Once we have a completed draft, it will be posted for community review and public comment. Tom Condit, Development Engineering Manager, is present to answer any questions. A marked-up version of Chapter III was provided in the packet.

Ms. Temes reviewed specific items addressed in the Chapter III edits:

Article 1.1 Subdivision Regulations: Include updated terminology and missing terms cross checking with other chapters; address applicability and process requirements; add missing language regarding exclusions and reversion; text edits for subdivision regulations; condense process text into a flow chart with side notes; remove application checklists as they are not required to be in the Code; add explanations regarding water, streets, curbs, gutters and other items in subdivision regulations; add language regarding approvals, recordations, financial assurances, loan commitments, and letters of credit; edit expiration dates to be consistent with other processes; and address certificate of correction and other application procedures.

Article 1.2 Minor Land Division and Minor Subdivision: Add text regarding lot ties, exclusions, application signatures, and acceptance of public improvements; add missing text regarding dedication of right-of-way, easements, emergency services, and utilities; and clarify improvement text on cost responsibilities and specifications.

Article 1.3 Vacation of Streets and Easements: Clarify responsibilities, reorganization and branding, and correct some initiation language.

Article 1.4 Penalties and Enforcement: Reorganization, rebranding, add purpose statements, and update missing terms.

COMMISSION QUESTIONS/COMMENTS

Vice Chair Bloomfield understood that we no longer have the subcommittee. He asked if that was something the Commission needed to reform or just pick up that slack as a Commission through an outside meeting to specifically discuss the proposed changes or provide comments via email.

Ms. Temes stated this was the last chapter that was not reviewed by the Subcommittee. If the Commission has specific comments after reviewing the mark-ups, they can email her and she will incorporate those. Staff felt without the subcommittee's direction they needed to bring it to a public forum. All of the Subcommittee meetings were public meetings. When the document is all put together, it will go out for public review and comment on the entire document.

Vice Chair Bloomfield has wrestled with this Chapter III for most of his career and appreciated seeing some of the changes and clarifications. It certainly has to make staff's life a little bit easier as applicants come in as it is more defined. He thanked Ms. Temes for all her efforts.

6. Discussion of Regular Meeting Agenda

Chair Andersen noted that all of the agenda items were on consent. There were no requests to pull any items off of the Consent Calendar.

ADJOURN STUDY SESSION

Chair Andersen adjourned the Study Session at 6:00 p.m.

Brian Andersen, Chairman

ATTEST:

Dana Desing, Recording Secretary

**TOWN OF GILBERT
PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE
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SEPTEMBER 2, 2020**

COMMISSION PRESENT:

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COMMISSION ABSENT:

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Josh Rogers, Planner II
Nancy Davidson, Assistant Town Attorney
Tom Condit, Development Engineering Manager

RECORDER:

Dana Desing

PLANNER	CASE	PAGE	VOTE
Ashlee MacDonald	DR20-84	3	Approved
Keith Newman	S20-08	4	Approved
Sydney Bethel	DR20-24	4	Approved
Sydney Bethel	DR20-91	5	Approved

Members of the public will be able to attend the Planning Commission meeting in person or participate remotely. Agenda items may be discussed in a different sequence.

CALL TO ORDER OF REGULAR MEETING

Chair Brian Andersen called the September 2, 2020 Regular Meeting of the Planning Commission to order at 6:16 p.m.

PLEDGE OF ALLEGIANCE

Eva Cutro, Planning Division Manager, led the Pledge of Allegiance.

ROLL CALL

Planning Division Manager Eva Cutro called roll and determined that a quorum was present.

7. APPROVAL OF AGENDA:

Chair Andersen called for a motion to approve the agenda.

MOTION: Vice Chair Bloomfield moved to approve the Agenda as written; seconded by Commissioner Mundt. **Motion passed 6-0.**

COMMUNICATIONS

8. COMMUNICATION FROM CITIZENS:

At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Commission response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

Doralise Machado Liddell, Gilbert resident, wished to speak regarding the Text Amendment to the Land Development Code and that Subcommittee. She had questions regarding lot splits and how the changes in the wording will affect her ability to conduct a lot split on her property. She had not received an answer and that was not addressed in the study session. She did not understand what was referred to by allowing staff to approve amendments to the preliminary plot plan. She was concerned that we were giving all of these options to developers with less input from citizens and the impacted owners that have purchased property prior. When they go in for these Administrative Use Permits, that changes things. It seems as though the town is trying to create some Land Development Codes that will benefit the urban high-density developers and remove public input hearings so that residential property owners no longer have a voice or are heard.

Ms. Machado Liddell was also here as a Heritage District residential property owner regarding her property rights that are under attack via the Heritage District Design Guidelines. The 2018 Redevelopment Plan cost taxpayers over \$350,000 and there were nine months of public input, although we have heard it was five to seven years. The town staff has been working on the draft Design Guidelines for over 18 months and did not conduct any meetings with residential property owners of the Lacy Tract prior to the draft going public. The Redevelopment Plan is required by state law; however, the Design Guidelines are not. In December of 2019, the Economic Development Program Manager reached out to a developer and asked them to directly communicate with the design guidelines consultant. In January, 2020, the Program Manager reached out to Circle West regarding the proposed development in the downtown Heritage District and the Design Guidelines and had them directly contact. However, the Economic Development Department or the Planning Department did not reach out to any property owners in the Lacy Tract. During the Stakeholder meetings in January 2020, Ms. Machado Liddell was told that the Design Guidelines did not change for Lacy Tract. They did. According to the Redevelopment Commission meeting minutes of February 18, 2010, the words shall and must had been purposely avoided within the Guidelines. It was pointed out that these were not regulations, just an encouragement. But now in 2020, according to Principal Planner Temes, the Heritage District Design Guidelines will be adopted by ordinance and will have to be followed. In other words, this is a regulation. This is a dramatic change that will affect her private property rights. These regulations are not for all town property owners, but are targeting residential property owners in the Heritage District. During the August 16, 2018 Town Council meeting, Amanda Elliott noted the plan

would not obligate the Council to proceed with the recommended projects or require modifications to the Design Guidelines, LDC, or General Plan. Ms. Machado Liddell asked why would the town direct staff to recommend that the guidelines be enforced by law? Why would the town recommend that her property rights be taken just because of where she lives in Gilbert? She respectfully requested that the Planning Commission direct staff to review the 2006 Proposition 207 Private Property Rights Protection Act and how the Design Guidelines will impact her property rights.

Chair Andersen thanked Ms. Machado Liddell for her comments. He confirmed that she had contact information for Amy Temes and Eva Cutro and that she could reach out to them for questions.

The phone lines were opened for additional comments. There were no further public comments.

9. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

Councilmember Scott September advised that tonight will be the last Planning Commission hearing for three of our members, Commissioners Alibrandi, Mackin, and Cavenee. He thanked all three for their service on the Planning Commission, for their time in reviewing all of the packets, in talking to the applicants, and in meeting with staff. He thanked them for their creativity during all of the project reviews and for listening to the community during the regular sessions. He also thanked their families for their generosity with their time in allowing those members to serve. Since the Council decision to make other appointments just occurred last night, there was not enough time to prepare plaques to present this evening. He invited Commissioners Cavenee, Alibrandi, and Mackin to attend the next Planning Commission hearing in October so he can formally present those plaques.

PUBLIC HEARING (CONSENT)

All items listed below are considered the public hearing consent calendar. The Commission may, by a single motion, approve any number of items where after opening the public hearing no person requests the item be removed from the consent calendar. If such a request is made, the Commission shall then withdraw the item from the public hearing consent calendar for the purpose of public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

There were no requests to speak from the public and no conflicts among the Commission for any of the Consent items.

Chair Andersen read the public hearing consent items and called for a motion.

10. DR20-84 AIR GUITAR: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.37 acres, generally located at the northwest corner of Higley and Ray Roads, and zoned Shopping Center (SC) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-84, Air Guitar: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 1.37 acres, generally located at the northwest corner of Higley and Ray Roads, and zoned Shopping Center (SC) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at

- the September 2, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
 3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.

11. S20-08 GABRIELLA POINTE COMMERCE CENTER-INFRASTRUCTURE PLAT: Request to approve a Preliminary Infrastructure Plat, streetscape plan, grading and drainage plan, theme walls designs and entry monuments for Gabriella Pointe, on approx. 148.56 acres located at the southeast corner of Higley Road and Warner Road in the Regional Commercial (RC), Business Park (BP), Multi Family/Medium (MF/M) and Multi Family/Low (MF/L) zoning districts.

STAFF RECOMMENDATION

Approve the Findings of Fact and S20-08, Gabriella Pointe Commerce Center Infrastructure Plat - Request to approve a Preliminary Infrastructure Plat, streetscape plan, grading and drainage plan, theme wall designs and entry monuments for Gabriella Pointe, on approx. 148.56 acres located at the southeast corner of Higley Road and Warner Road in the Regional Commercial (RC), Business Park (BP), Multi Family/Medium (MF/M) and Multi Family/Low (MF/L) zoning districts, subject to the following conditions of approval:

1. The Final Plat and Open Space Plans for Gabriella Pointe Commerce Center and construction of the project shall be in substantial conformance with Exhibit 4, Preliminary Infrastructure Plat and Exhibit 5, the Preliminary Landscape Design approved by the Planning Commission/Design Review Board at the September 2, 2020 public hearing.
2. Prior to the development of Gabriella Pointe Commerce Center, a Design Review application approving site-specific development including but not limited to site landscaping, walls, lighting, parking, driveway locations and building designs shall be submitted for review and approval. The creation of additional lots shall require approval of a preliminary plat.

12. DR20-24 RECON OFFICE BUILDING: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 0.74 acres, generally located at 62 South William Dillard Drive, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-24, Recon Office Building: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 0.75 acres, generally located at 62 South William Dillard Drive and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the September 2, 2020, public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. Administrative Design Review approval is required for monument signage prior to submitting for sign permits.
4. Additional landscaping shall be provided on the northern and eastern portions of the site fronting the street adjacent to the proposed parking stalls to increase required screening. At minimum, two (2) additional 5-gallon Fairy Duster or Texas Sage, or combination of the both, shall be added to

- the northern portion and three (3) to the eastern.
5. Parking screen walls shall be set back a minimum of 3' and a maximum of 6' from the perimeter of any parking space, driveway, or any access aisle, as measured from the back of curb.
 6. Parking lot light poles located within the 30" parking overhang shall be relocated out of the overhang area.
- 13. DR20-91 NEC VAL VISTA AND PECOS-PAD B: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 1.04 acres, generally located east of the northeast corner of Val Vista Drive and Pecos Road, and zoned Shopping Center (SC) with a Planned Area Development (PAD) overlay.**

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-91, Val Vista and Pecos-Pad B: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 1.04 acres, generally located east of the northeast corner of Val Vista Drive and Pecos Road, and zoned Shopping Center (SC) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the September 2, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. All signage shall comply with the Spectrum Centre Comprehensive Sign Plan.

MOTION: Vice Chair Bloomfield moved to approve Consent Agenda Items 10. DR20-84 Air Guitar; 11. S20-08 Gabriella Pointe Commerce Center-Infrastructure Plat; 12. DR20-24 Recon Office Building; and 13. DR20-91 NEC Val Vista and Pecos-PAD B, as listed; seconded by Commissioner Cavenee. **Motion passed 6-0.**

ADMINISTRATIVE ITEMS

- 14. Planning Commission Minutes** - Consider approval of the minutes of the Study Session and Regular Meeting of August 5, 2020.

MOTION: Vice Chair Bloomfield moved to approve the minutes of the Study Session and Regular Meeting of August 5, 2020; seconded by Commissioner Alibrandi. **Motion passed 6 -0.**

- 15. Executive Session** – The Public Body may convene into an executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03.A.3.

The Commission did not go into Executive Session.

COMMUNICATIONS

16. Report from Chairman and Members of the Commission on current events

Chair Andersen thanked Commissioners Cavenee, Alibrandi, and Mackin for all the time they served on this Commission. It has been great serving with them as well as having the opportunity to meet and get to know each of them. He hoped to cross paths in the future.

Vice Chair Bloomfield stated it has been a real pleasure to meet and work with Commissioners Cavenee, Mackin and Alibrandi. He felt Commissioner Cavenee's expertise and knowledge will be sorely missed as he has been on the Commission for eight years.

Commissioner Cavenee thanked the current and previous staff who have been amazing and he has enjoyed the experience working with them. They have done so much to assist the Commission. He was grateful to the Councilmembers who appointed and supported the Commission in our efforts. It has been great getting to know his fellow Commissioners over the years and to see the passion to serve. There is no pay for this job. It is just a matter of civic service and it has been a pleasure and he will miss it. It is time to give someone else a chance to lend their voice to this process.

Commissioner Alibrandi thanked our former Mayor Jenn Daniels and the 2018 Council who placed him on this board. It has been a great opportunity to serve Gilbert. He thanked Councilmember September for his kind words and thoughts. He appreciated the leadership over the last two years that Chairman Andersen and Vice Chair Bloomfield have provided as we navigate these waters. He has learned a lot. Most importantly, he appreciated our Planning staff for their thoroughness and great professionalism. Gilbert's future is in good hands.

17. Report from Planning Services Manager on current events

Planning Services Manager Eva Cutro echoed the sentiments that were expressed. As a 20-plus year resident of Gilbert, she appreciated everyone who serves the town and volunteers their time. As a newer staff member, it has been a pleasure to work with all of the Commissioners. She appreciated how welcoming they were and the time given to all of the cases that Planning brought forward.

ADJOURNMENT

With no further business before the Planning Commission, Chair Andersen adjourned the Regular Meeting at 6:31 p.m.

Brian Andersen, Chairman

ATTEST:

Dana Desing, Recording Secretary